

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotschner et al. in view of Te 6,571,666.

Kotschner et al. discloses a hammerhead for retaining nails, a handle, a stationary hammerhead affixed to the handle with a striking face and a flat side surface; a magnetic core disposed within the hammerhead in magnetic communication with the nail retention groove. Kotschner et al. does not specifically disclose multiple grooves having partially frustoconical interior portions. Te (Fig. 12) discloses a hammer head having multiple grooves having partially frustoconical interior portions so as to accommodate multiple nails having frustoconical portions at the heads thereof. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the hammerhead of Kotschner et al. to have multiple grooves having partially frustoconical interior portions as taught by Te so as to accommodate multiple nails having frustoconical portions at the heads thereof.

3. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caspall 4,723,582 in view of Hu 6,283,449.

Caspall discloses the claimed invention (see Fig. 2) except for each of the claws terminating in a nail removal void that differs in size one from the other so as to effectively manipulate nails having differing sizes. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made each of the claws of Caspall's hammer to terminate in a nail removal void that differs in size one from the other so as to effectively manipulate nails having differing sizes.

4. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caspall in view of Hu and in further view of Te.

Caspall, Hu and Te are described above. Caspall as modified by Hu above discloses the claimed invention except for a magnetized head having multiple peripheral nail-retention grooves. Te discloses a hammer having multiple peripheral nail-retention grooves so as to ensure that there is a variety of nails readily available for use. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the hammer head of the modified Caspall to have multiple peripheral nail-retention grooves as taught by Te so as to ensure that there is a variety of nails readily available for use.

Response to Arguments

5. Applicant's arguments with respect to claims 17, 20 and 23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN J. GRANT whose telephone number is (571)272-4484. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alvin J Grant/
Examiner, Art Unit 3723